

# **ACT 51 PRIMER**

## **A Guide to 1951 Public Act 51 and Michigan Transportation Funding**

Prepared by:

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HOUSE  
**FISCAL**  
AGENCY

**Mitchell E. Bean, Director**

**February 2007**

**Table 2**  
**Appropriated Revenue Sources**  
**Michigan's FY 2006-07 Transportation Budget**

	<u>Revenue Estimate</u>	<u>% of Appropriated State Revenue</u>	<u>% of Total Revenue</u>
State Gasoline Tax (at 19 cents/gallon)	\$907,000,000 <sup>1</sup>		
Less: Recreation Improvement Fund	<u>(17,964,000)</u> <sup>2</sup>		
<b>Gasoline Tax Subtotal</b>	<b>\$889,036,000</b>	<b>36.96%</b>	<b>25.83%</b>
State Diesel Fuel Taxes	\$152,500,000	6.85%	4.43%
LP Gas Tax	600,000	0.03%	0.02%
Vehicle Title and Registration Fees	916,700,000	41.20%	26.63%
Interest/Other	<u>7,200,000</u>	.32%	.21%
<b>Subtotal</b>	<b>\$1,966,036,000</b> <sup>3</sup>	<b>88.36%</b>	<b>57.12%</b>
Auto-Related Sales Tax	75,500,000 <sup>4</sup>	3.39%	2.19%
Drivers' License Fees	13,000,000 <sup>5</sup>	0.58%	0.38%
Miscellaneous, Interest, Other	<u>76,615,000</u>	3.44%	2.23%
<b>Estimated State Revenue</b>	<b>\$2,131,151,000</b>		
Revenue/Appropriation Difference	93,878,000		
<b>Appropriated State Revenue</b>	<b>\$2,225,029,000</b> <sup>6</sup>	<b>100.00%</b>	<b>64.65%</b>
Federal Revenue	1,169,336,300 <sup>7</sup>		33.97%
Local Revenue	<u>47,500,000</u> <sup>7</sup>		<u>1.38%</u>
<b>Total Appropriated Revenue</b>	<b>\$3,441,865,300</b>		<b>100.00%</b>

**NOTES:**

*1 The 19-cent/gallon gasoline tax generates \$48.8 million per 1 cent of tax.*

*2 1994 PA 451 (MCL 324.71101) directs 2% of the gasoline tax, less collection costs, to the Recreation Improvement Fund to reflect recreational uses of gasoline in watercraft, off-road vehicles, and snowmobiles.*

*3 This subtotal represents the estimated revenue for credit to the Michigan Transportation Fund (MTF).*

*4 The Comprehensive Transportation Fund (CTF) receives a portion of auto-related sales tax collections.*

*5 The Transportation Economic Development Fund (TEDF) receives a portion of certain drivers' license fee revenue.*

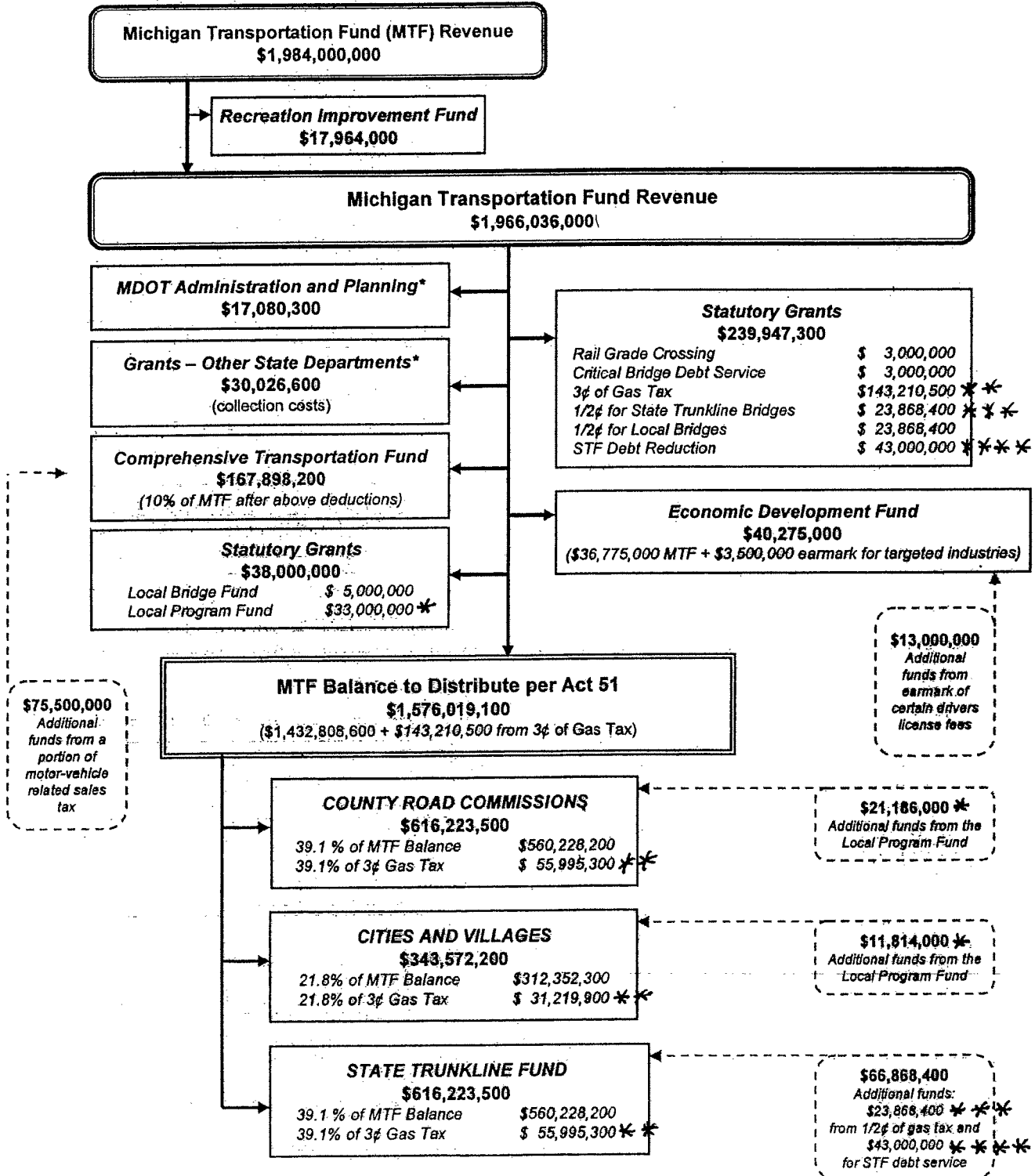
*6 The difference between estimated state revenue shown on this table and appropriated revenue is due to vetoes (\$302,000), amounts reserved for Capital Outlay (\$19,550,000), and revised revenue estimates. The enacted budget was based on Michigan Department of Treasury ERFD estimates at January 12, 2006; ERFD estimates were revised downward on January 31, 2007. Based on revised estimates, net MTF revenue, after deduction for the Recreation Improvement Fund, is \$78.2 million less than estimates on which the budget was based.*

*7 Federal and local revenue estimates were made by MDOT.*

# APPENDIX A

## FY 2006-07 Estimate of Current Transportation Tax Revenue and Distribution per Act 51

Figure 1



MDOT REPORT NO. 139  
FINANCIAL OPERATIONS  
DIVISION

**ANNUAL REPORT  
MICHIGAN TRANSPORTATION FUND  
Fiscal Year Ending September 30, 2007**

**DETAIL OF REVENUE COLLECTED  
FOR  
DISTRIBUTION TO THE  
COUNTIES, CITIES AND  
INCORPORATED VILLAGES**

Under the terms of Act No. 51 of the  
Public Acts of 1951, as amended.  
Compiled Law 247.667, Section 17(2)

**STATE TRANSPORTATION COMMISSION**

Maureen Miller Brosnan  
Jerrold M. Jung

Ted B. Wahby  
James S. Scalici

Linda Miller Atkinson  
James R. Rosendall

DIRECTOR  
KIRK T. STEUDLE

**MICHIGAN TRANSPORTATION FUND  
AND  
LOCAL PROGRAM FUND  
SUMMARY OF RECEIPTS AND DISTRIBUTIONS  
FOR THE FISCAL YEAR OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2007**

**SCHEDULE A**

	Quarter October 1, through December 31, 2006	Quarter January 1, through March 31, 2007	Quarter April 1, through June 30, 2007	Quarter July 1, through September 30, 2007	Total
<b>RECEIPTS</b>					
Gasoline Tax	\$ 220,696,412.88	\$ 211,675,814.86	\$ 217,943,161.30	\$ 235,461,676.55	\$ 885,777,065.59
Diesel Fuel Tax	30,143,176.89	28,006,137.55	27,550,768.88	30,359,864.83	114,059,948.15
Liquid Petroleum Gas Tax	111,935.49	109,921.01	110,689.58	67,283.66	399,829.94
<b>TOTAL MOTOR FUEL TAXES</b>	<b>\$ 250,951,525.26</b>	<b>\$ 237,791,873.42</b>	<b>\$ 245,604,619.76</b>	<b>\$ 265,888,825.24</b>	<b>\$ 1,000,236,843.68</b>
Diesel Carrier Tax	\$ 7,756,045.01	\$ 8,584,984.74	\$ 5,554,902.10	\$ 9,278,833.77	\$ 31,174,765.62
Diesel Carrier License	0.00	0.00	0.00	0.00	0.00
Diesel Dealer License	9,100.00	4,100.00	10,500.00	16,000.00	39,700.00
<b>TOTAL DIESEL TAXES</b>	<b>\$ 7,765,145.01</b>	<b>\$ 8,589,084.74</b>	<b>\$ 5,565,402.10</b>	<b>\$ 9,294,833.77</b>	<b>\$ 31,214,465.62</b>
Resident Weight Tax	\$ 179,474,161.91	\$ 245,989,849.27	\$ 197,374,017.15	\$ 196,338,972.47	\$ 819,177,000.80
Nonresident Weight Tax	10,207,620.17	17,293,453.23	20,405,147.71	8,344,198.76	56,250,419.87
<b>TOTAL WEIGHT TAXES</b>	<b>\$ 189,681,782.08</b>	<b>\$ 263,283,302.50</b>	<b>\$ 217,779,164.86</b>	<b>\$ 204,683,171.23</b>	<b>\$ 875,427,420.67</b>
Miscellaneous Revenue	\$ 9,803,716.32	\$ 12,661,079.97	\$ 13,747,790.39	\$ 13,390,694.93	\$ 49,603,281.61
Interest Earnings	0.00	9,148,223.22	0.00	2,927,720.63	12,075,943.85
<b>TOTAL GROSS RECEIPTS</b>	<b>\$ 458,202,168.67</b>	<b>\$ 531,473,563.85</b>	<b>\$ 482,696,977.11</b>	<b>\$ 496,185,245.80</b>	<b>\$ 1,968,557,955.43</b>
<b>LESS: GRANTS AND ADMIN. COSTS</b>					
Recreation Fund	\$ 4,374,224.82	\$ 4,193,812.66	\$ 4,319,159.59	\$ 4,669,529.90	\$ 17,556,726.77
Economic Development Fund	15,737,692.00	8,237,688.00	8,237,688.00	8,234,032.00	40,447,100.00
State Trunkline Fund -					
Local Road Program	8,250,000.00	8,250,000.00	8,250,000.00	8,250,000.00	33,000,000.00
Critical Bridge	2,220,544.53	5,141,780.37	444,884.88	0.00	7,807,209.78
Rail Crossing	750,000.00	750,000.00	750,000.00	750,000.00	3,000,000.00
Administrative Grants	4,226,118.00	4,226,118.00	4,226,118.00	3,664,346.00	16,342,700.00
Debt Service	10,749,999.00	10,749,999.00	10,749,999.00	10,750,003.00	43,000,000.00
General Fund -					
Dept. of State	4,999,998.00	4,999,998.00	4,999,998.00	5,000,006.00	20,000,000.00
Dept. of Treasury	2,175,375.00	2,175,375.00	2,175,375.00	2,175,375.00	8,701,500.00
Dept. of Environmental Quality	255,198.00	255,198.00	255,198.00	255,206.00	1,020,800.00
Dept. of Mgt. & Budget	0.00	0.00	0.00	217,800.00	217,800.00
Auditor General	51,075.00	51,075.00	51,075.00	51,075.00	204,300.00
<b>TOTAL DEDUCTIONS</b>	<b>\$ 53,790,224.15</b>	<b>\$ 49,031,044.03</b>	<b>\$ 44,459,485.47</b>	<b>\$ 44,017,372.90</b>	<b>\$ 191,298,136.55</b>
<b>NET AMOUNT FOR DISTRIBUTION</b>	<b>\$ 404,411,944.52</b>	<b>\$ 482,442,519.82</b>	<b>\$ 438,237,481.64</b>	<b>\$ 452,167,872.90</b>	<b>\$ 1,777,259,818.88</b>
<b>MTF DISTRIBUTION -</b>					
State Trunkline Fund	\$ 150,265,225.27	\$ 177,458,547.22	\$ 162,350,769.39	\$ 165,869,158.81	\$ 655,943,700.69
Comprehensive Trans. Fund	38,193,723.39	45,936,687.81	40,884,239.88	41,908,102.56	166,922,753.64
Counties	138,649,624.60	166,317,714.86	150,880,076.68	151,546,322.51	607,393,738.65
Municipalities	77,303,371.26	92,729,569.93	84,122,395.69	92,844,289.02	346,999,625.90
<b>TOTAL MTF DISTRIBUTION</b>	<b>\$ 404,411,944.52</b>	<b>\$ 482,442,519.82</b>	<b>\$ 438,237,481.64</b>	<b>\$ 452,167,872.90</b>	<b>\$ 1,777,259,818.88</b>
<b>SNOW PAYMENTS</b>	<b>\$ 6,317,727.10</b>	<b>\$ 2,489,227.75</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 8,806,954.85</b>
<b>LOCAL PROGRAM FUND DISTRIBUTION</b>					
Counties	\$ 5,296,500.00	\$ 5,296,500.00	\$ 5,296,500.00	\$ 5,296,500.00	\$ 21,186,000.00
Municipalities	2,953,500.00	2,953,500.00	2,953,500.00	2,953,500.00	11,814,000.00
<b>TOTAL LOCAL PROGRAM FUND DISTRIBUTION</b>	<b>\$ 8,250,000.00</b>	<b>\$ 8,250,000.00</b>	<b>\$ 8,250,000.00</b>	<b>\$ 8,250,000.00</b>	<b>\$ 33,000,000.00</b>

\* This report is on a cash basis, not accrual.



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Michigan conservation and  
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Section 324.2005

Section

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Section  
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Section

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Section 324.2035

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Sec. 2002.

(1) In accordance with section 40 of article IX of the state constitution of 1963, the Michigan conservation and recreation legacy fund is established in the state treasury.

(2) The state treasurer shall direct the investment of the legacy fund. The state treasurer shall establish within the legacy fund restricted accounts as authorized by this part. Interest and earnings from each account shall be credited to that account. The state treasurer may accept gifts, grants, bequests, or assets from any source for deposit into a particular account or subaccount.

**History:** Add. 2004, Act 587, Eff. Dec. 23, 2006

**Compiler's Notes:** Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular Name:** Act 451**Popular Name:** NREPA

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Sec. 2020.

(1) The recreation improvement account is established as an account within the legacy fund.

(2) The recreation improvement account shall consist of both of the following:

(a) All money in the recreation improvement fund, formerly created in section 71105, immediately prior to the effective date of the amendatory act that added this section, which money is hereby transferred to the recreation improvement account.

(b) Revenue from the following sources:

(i) Two percent of the gasoline sold in this state for consumption in internal combustion engines.

(ii) Other revenues as provided by law.

(3) Money in the recreation improvement account shall be used only as provided for in part 711 and for the administration of the recreation improvement account.

(4) Money in the recreation improvement account may be expended pursuant to subsection (3) for grants to state colleges and universities to implement programs funded by the recreation improvement account.

**History:** Add. 2004, Act 587, Eff. Dec. 23, 2006





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**PART 711****RECREATION IMPROVEMENT ACCOUNT**

Document	Type	Description
Section 324.71101	Section	Definitions.
Section 324.71102	Section	Privilege tax; imposition; payment; inapplicable to liquefied petroleum gas.
Section 324.71103	Section	Legislative finding; joint report.
Section 324.71104	Section	Tax refund; claim; invoice; payment; false statement; forfeiture; misdemeanor.
Section 324.71105	Section	Repealed. 2004, Act 587, Eff. Dec. 23, 2006.
Section 324.71106	Section	Total of taxes collected; determining revenue derived.
Section 324.71107	Section	Repealed. 2004, Act 587, Eff. Dec. 23, 2006.
Section 324.71108	Section	Annual review and recommendations; distribution and use of account.



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**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
ACT (EXCERPT)  
Act 451 of 1994**

**324.71101 Definitions.****Sec. 71101.**

As used in this part:

- (a) "Associated facilities" means restrooms, shelters, campgrounds, and parking lots directly related to trails or waterways projects.
- (b) "Off-road vehicle" means ORV as it is defined in part 811, which is required to be registered under part 811.
- (c) "Off-road vehicle account" means the off-road vehicle account of the Michigan conservation and recreation legacy fund provided for in section 2015.
- (d) "Recreation improvement account" means the recreation improvement account of the Michigan conservation and recreation legacy fund provided for in section 2020.
- (e) "Recreational projects" means, in addition to the activities provided for in this part, the construction, maintenance, and operation of trails and associated facilities that may be used by off-road vehicles, cross-country skiers, horseback riders, and hikers, and inland lake cleanup grants as provided by part 309.
- (f) "Snowmobile account" means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.
- (g) "Vessel" means all watercraft except the following:
- (i) Watercraft used for commercial fishing.

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(ii) Watercraft used by the sea scout department of the boy scouts of America chiefly for training scouts in seamanship.

(iii) Watercraft owned by this state, any political subdivision of this state, or the federal government.

(iv) Watercraft when used in interstate or foreign commerce and watercraft used or owned by any railroad company or railroad car ferry company.

(v) Watercraft when used in trade, including watercraft when used in connection with an activity that constitutes a person's chief business or means of livelihood.

(h) "Watercraft" means any contrivance that is used or designed for navigation on water, including, but not limited to, any vessel, ship, boat, motor vessel, steam vessel, vessel operated by machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat, but does not include watercraft used or owned by the United States.

(i) "Waterways account" means the waterways account of the Michigan conservation and recreation legacy fund provided for in section 2035.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006

**Compiler's Notes:** Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular Name:** Act 451

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**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
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Act 451 of 1994**

**324.71102 Privilege tax; imposition; payment;  
inapplicable to liquefied petroleum gas.**

Sec. 71102.

(1) There is a privilege tax imposed on all gasoline and diesel fuel sold in this state that is used to generate power for the operation or propulsion of vessels on the waterways of this state, of off-road vehicles, and of snowmobiles.

(2) The privilege tax imposed on gasoline and undyed diesel fuel shall be paid to the department of treasury in the same manner, at the same time, and at the same rate per gallon as the tax levied under the motor fuel tax act. The privilege tax imposed on dyed diesel fuel shall be paid to the department of treasury by the retail distributor or other person who sells the dyed diesel fuel to a person who uses the fuel to generate power for the operation or propulsion of vessels on the waterways of this state, of off-road vehicles, and of snowmobiles. The privilege tax imposed by this section shall not apply to liquefied petroleum gas.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2000, Act 405, Imd. Eff. Jan. 8, 2001

**Popular Name:** Act 451

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- 451-1994-III-4-1
- 451-1994-III-4-1-ADMINISTRATION
- 451-1994-III-4-1-ADMINISTRATION-711
- Section 324.71106

**Section 324.71106**

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**Jump to the first occurrence of "recreation"**

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
ACT (EXCERPT)  
Act 451 of 1994**

**324.71106 Total of taxes collected; determining revenue derived.**

Sec. 71106.

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The department of treasury shall annually present to the department an accurate total of all the gasoline taxes collected and shall determine the amount of revenue derived from them. The department of treasury shall determine the portion of these revenues derived from the sale of gasoline as described in section 71102 by multiplying the total by 2.0% and shall credit this amount to the recreation improvement account, less a deduction for collection costs and refunds.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006

**Compiler's Notes:** Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular Name:** Act 451

**Popular Name:** NREPA

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## MICHIGAN LEGISLATURE

95th Legislature Regular Session  
Michigan Compiled Laws Complete Through PA 72  
of 2010  
House: Adjourned until Tuesday, May 25, 2010  
1:30:00 PM

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711](#)[Section 324.71108](#)**Section 324.71108**[linkable](#) [printable](#)**Jump to the first occurrence of "recreation"**

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
ACT (EXCERPT)  
Act 451 of 1994**

**324.71108 Annual review and recommendations;  
distribution and use of account.**

Sec. 71108.

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(1) The state treasurer shall annually review and make recommendations to the legislature on the distributions of the recreation improvement account, including recreational projects and geographic locations.

(2) Money in the recreation improvement account shall be distributed as follows:

(a) Eighty percent of the money shall be annually transferred to the waterways account.

(b) Fourteen percent of the money shall be annually transferred to the snowmobile account.

(c) The remainder of the money that is not transferred under subdivisions (a) and (b) shall be used, upon appropriation, for recreation projects and for the administration of the recreation improvement account. Of the money credited to recreational projects in a fiscal year, not less than 25% shall be expended on projects to repair damages as a result of pollution, impairment, or destruction of air, water, or other natural resources, or the public trust in air, water, or other natural resources, as a result of the use of off-road vehicles.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006

**Compiler's Notes:** Enacting section 2 of Act 587 of 2004

## **Guidelines for OC Products in Surrounding States:**

**-INDIANA:** legal with no restrictions

**-OHIO:** legal with no restrictions

**-WISCONSIN:** OC concentration of up to 10% and weight range of oleoresin of capsicum and inert ingredients of 15-60 grams is authorized. The units may not have an effective range of over 20 feet and must have an effective range of six feet. In addition there are certain labeling and packaging requirements: state cannot sell to anyone under 18 and the phone number of the manufacturer has to be on the label. The units must also be sold in sealed tamper-proof packages.

**-PENNSYLVANIA:** legal with no restrictions

**-ILLINOIS:** legal regardless of ingredients (assumed "non-lethal") if over 18 years of age.

**-MINNESOTA:** legal regardless of ingredients (assumed "non-lethal") and if only used in exercise of reasonable force and defense of the person or the person's property, and only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use, and dated to indicate its anticipated useful life.

## **TWO KEY POINTS:**

**-The restrictions with regard to age and labeling required by Wisconsin and Minnesota are representative of the type of restrictions enforced by the handful of other states in the U.S. that define any restrictions. Michigan is the only state with 2% OC maximum rating on pepper spray products. In fact, Wisconsin is unique in limiting this rating at 10%.**

**-All evidence on pepper spray testing has shown that the OC rating on pepper sprays is not even the best indication of "heat" or "harm" they may cause to those whom they are administered. With this in mind, our 2% cap is not only unnecessarily restrictive to manufacturers and distributors looking to sell products in our state, subsequently it is not even protecting those which it was intended from the most harmful pepper spray products being manufactured today.**

## **Most Notable Restrictions on OC Products in the US:**

-In **Massachusetts**, residents may purchase defense sprays only from licensed Firearms Dealers in that state, and must hold a valid Firearms Identification Card (FID) or License to Carry Firearms (LTC).

-In **Wisconsin**, tear gas is not permissible. By regulation, OC products with a maximum OC concentration of 10% and weight range of oleoresin of capsicum and inert ingredients of 15-60 grams are authorized. This is 1/2 oz. and 2 oz. spray. Further, the product cannot be camouflaged, and must have a safety feature designed to prevent accidental discharge. The units may not have an effective range of over 20 feet and must have an effective range of six feet. In addition there are certain labeling and packaging requirements: must state cannot sell to anyone under 18 and the phone number of the manufacturer has to be on the label. The units must also be sold in sealed tamper-proof packages.

-In **Michigan**, pepper spray is legal if it has less than 2% of the active ingredient, this decreases the length of the effects but not the SHU. Sprays containing a mixture of CN/CS are also banned, though tear gas containing only CS is legal.

-In the state of **New York**, pepper spray may be legally possessed by any person age 18 or over; however, it must be purchased in person (i.e. cannot be purchased by mail-order or internet sale) either at a pharmacy or from a licensed firearm retailer (NY Penal Law 265.20 14 (a)), and the seller must keep a record of purchases. The use of pepper spray to prevent a public official from performing his/her official duties is a class-E felony.

-**New Jersey** allows non-felons over the age of 18 to possess a small amount of pepper spray, with no more than three quarters of an ounce of chemical substance.

-In the State of **Washington**, persons over 18 may carry personal-protection spray devices. Persons over age 14 may carry personal-protection spray devices with their legal guardian's consent.

-In the state of **Maine**, criminal usage of pepper spray or similar products is a violation of law, however usage of said products for self-defence as well as possession are legal.

-Most states do not have an age requirement for carrying OC Products.

-In **California**, the container holding the defense spray must be less than 2.5 Oz